



JAMES E. JOHNSON
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THE CITY OF NEW YORK
LAW DEPARTMENT

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March 12, 2021

By E-mail

Douglas McKenna, Chief
Water Compliance Branch
Division of Enforcement & Compliance Assistance
U.S. Environmental Protection Agency, Region II
290 Broadway, 20th Floor
New York, NY 10007-1866

Edward Hampston, P.E., Director
Bureau of Water Compliance
Division of Water, NYSDEC
625 Broadway
Albany, NY 12233-3506

Re: New York City Department of Environmental Protection's Report on the
Targeted Sewer Inspection Pilot

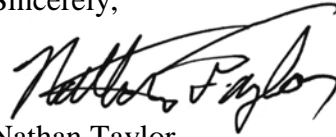
Dear Mr. McKenna and Mr. Hampston,

Enclosed please find a copy of a report detailing the results of the component of the New York City Department of Environmental Protection's (DEP) Sewer Backup Prevention and Response Plan termed the Targeted Sewer Inspection Pilot ("TSIP"). Phase 1 of the TSIP identified sewer segments that might benefit from frequent inspection and/or maintenance with a goal of reducing the frequency of SBU complaints. DEP conducted the pilot over a three-year period commencing in July 2017, in Community Boards 313 and 315 in Brooklyn, and Community Boards 412 and 413 in Queens. The report includes lessons learned, and plans for future implementation of the TSIP.

By providing this report, the City does not concede that EPA has jurisdiction under the Clean Water Act to regulate sewer backups that do not reach the waters of the United States. Submission of the report does not create a binding or enforceable commitment. Furthermore, the City and DEP reserve all rights, claims and defenses they may have to EPA's Administrative Compliance Order, CWA-020-2016-3012, dated August 31, 2016, and do not

waive any rights, claims or defenses by submission of this letter or the Plan. Neither the City nor DEP admits any allegation in the Administrative Compliance Order, and neither the City nor DEP admits or concedes any liability under federal or state law based on the allegations in the Administrative Compliance Order.

Sincerely,

A handwritten signature in black ink, appearing to read "Nathan Taylor", with a stylized, flowing script.

Nathan Taylor
Assistant Corporation Counsel
Environmental Law Division

c: Marcella Eckels
Hilary Meltzer
William Plache
Devon Goodrich